

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

AUG 26 2008

THOMAS HONEYCUTT,  
Plaintiff,

**VS.**

JOHN W. MITCHELL et al.,  
Defendants.

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY W. H. DEPUTY

No. CIV-08-140-W

## ORDER

On August 5, 2008, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation regarding the Motion to Dismiss Amended Complaint filed by defendant Liz Kuhn. Magistrate Judge Bacharach recommended that the Court not only grant Kuhn's request for dismissal, but also grant plaintiff Thomas L. Honeycutt leave to amend his amended complaint. The parties were advised of their right to object to Magistrate Judge Bacharach's findings and recommendations.

Honeycutt has advised the Court that he has no objection to the Report and Recommendation, and he has sought permission to amend his amended complaint.

Upon de novo review of the record, the Court concurs with Magistrate Judge Bacharach's suggested disposition of Kuhn's Motion to Dismiss Amended Complaint and his recommendation that Honeycutt be permitted to amend his amended complaint.

Accordingly, the Court

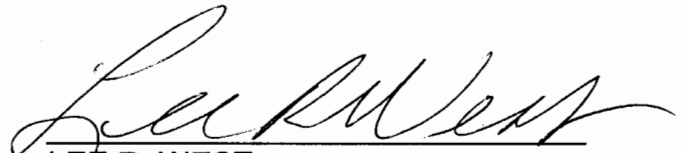
- (1) ADOPTS the Report and Recommendation [Doc. 92] issued on August 5, 2008;
- (2) GRANTS Kuhn's Motion to Dismiss Amended Complaint [Doc. 60] filed on May 12, 2008, and DISMISSES without prejudice Honeycutt's claims against Kuhn;

(3) GRANTS Honeycutt's Motion Requesting Leave to Further Amend Complaint [Doc. 99] file-stamped August 15, 2008;

(4) GRANTS Honeycutt's Motion to Further Amend Complaint [Doc. 100] also file-stamped August 15, 2008; and

(5) GRANTS Honeycutt twenty (20) days from the date of this Order to file a second amended complaint with respect to his claims against Kuhn.

ENTERED this 26th day of August, 2008.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE